

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

| | | |
|------------------------------|---|-------------------------|
| CHRISTOPHER LEE WILLINGHAM, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-23-082-JAR |
| |) | |
| SHERIFF KEVIN CLARDY, in his |) | |
| official and individual |) | |
| capacities; ALICIA MANNING, |) | |
| in her individual capacity; |) | |
| and JOSHUA DALE RICHARDS, |) | |
| a/k/a FARLEY JOSH GRISWOLD, |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

This matter comes before the Court on the following Motions:

- Plaintiff's Motion for Continuance of Deadlines and Entry of Amended Scheduling Order (Docket Entry No. 106);
- Joint Motion to Quash and/or Limit Subpoena Duces Tecum filed by Defendant Sheriff of McCurtain County, in his official capacity, Defendant Kevin Clardy, in his individual capacity, and Defendant Alicia Manning, in her individual capacity (Docket Entry No. 141); and
- Plaintiff's Motion to Strike Defendant Joshua Dale Richards a/k/a Farley Josh Griswold's Response to Second Amended Complaint (Docket Entry No. 143).

The first motion sought an extension of all deadlines in light of the anticipated filing of a Second Amended Complaint some time ago. In light of the fact the Second Amended Complaint added a party, this Court held Plaintiff's Motion in abeyance pending service upon this new party. (Docket Entry No. 119). It was not anticipated that the new Defendant Richards would effectively evade service, thereby delaying the orderly progression of this action. As a result, Plaintiff's Motion is now moot given the passage of time. A new Scheduling Order will be entered upon

Defendant Richards' filing of a proper responsive pleading.

Defendants' Motion to Quash has essentially been mooted by the fact that Plaintiff reworked the objectionable portion of his subpoena and served a new, more restrictive subpoena to which Defendants have not objected. *See* Docket Entry No. 142. Accordingly, this Motion will be deemed moot.

The final Motion addressed herein requests that the response to the Second Amended Complaint filed by "Kelly Sparkman c/o Joshua Dale Richards" be stricken as improper. It is well-established that a *pro se* litigant may not represent another party in federal court. *See* 28 U.S.C. § 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel"); Perry v. Stout, 20 F. App'x 780, 782 (10th Cir. 2001) (unpublished) ("Non-attorney pro se litigants cannot represent other pro se parties."); Herrera-Venegas v. Sanchez-Rivera, 681 F.2d 41, 42 (1st Cir. 1982) ("By law an individual may appear in federal courts only pro se or through legal counsel"); Matthews v. Cordeiro, 144 F. Supp. 2d 37, 38 (D. Mass. 2001) ("Under well-settled law, an individual who is not an attorney admitted to practice before this court is not authorized to submit pleadings (including a complaint) or in any other manner appear on behalf of another person or entity.").

It is believed that "Kelly Sparkman" is Defendant Richards' mother. However, nothing in the record indicates that she is a licensed lawyer that may act on her son's behalf. Accordingly, the pleading must be stricken. Defendant Richards will be given the opportunity – a final one – to answer or otherwise plead in this action either by signing a pleading and acting *pro se* in this action or by having a licensed attorney sign on his behalf.

IT IS THEREFORE ORDERED that:

- Plaintiff's Motion for Continuance of Deadlines and Entry of Amended Scheduling Order (Docket Entry No. 106) is deemed **MOOT**.
- Joint Motion to Quash and/or Limit Subpoena Duces Tecum filed by Defendant Sheriff of McCurtain County, in his official capacity, Defendant Kevin Clardy, in his individual capacity, and Defendant Alicia Manning, in her individual capacity (Docket Entry No. 141) is deemed **MOOT**; and
- Plaintiff's Motion to Strike Defendant Joshua Dale Richards a/k/a Farley Josh Griswold's Response to Second Amended Complaint (Docket Entry No. 143) is hereby **GRANTED**. The Response to Second Amended Complaint (Docket Entry No. 139) signed by "Kelly Sparkman c/o Joshua Dale Richards" is hereby **STRICKEN** as improper. Defendant Richards shall file an answer or otherwise respond to the Second Amended Complaint signed either by him acting *pro se* or by a licensed attorney acting on his behalf no later than **APRIL 17, 2025**. THE FAILURE TO DO SO MAY RESULT IN THE ENTRY OF A DEFAULT JUDGMENT AGAINST DEFENDANT RICHARDS ON THE CLAIMS ASSERTED AGAINST HIM IN THE SECOND AMENDED COMPLAINT.

IT IS SO ORDERED this 2nd day of April, 2025.



JASON A. ROBERTSON
UNITED STATES MAGISTRATE JUDGE